#### UNITED STATES FISH AND WILDLIFE SERVICE

## **ENVIRONMENTAL ACTION STATEMENT**

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA), and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and determined that the action of (describe action): Injurious Wildlife Species; Listing Salamanders Due to Risk of Salamander Chytrid Fungus

<u>x</u>	is a categorical exclusion as provided by 516 DM 8, Appendix 1 and 80 FR 66554 (October 29, 2015). No further NEPA documentation will therefore be made.					
	is found not to have significant environmental effects as determined by the attached environmental assessment and finding of no significant impact.					
	is found to have significant effects and, therefore, further consideration of this action will require a notice of intent to be published in the Federal Register announcing the decision to prepare an EIS.					
	is not approved because of unacceptable environmental damage, or violation of Fish and Wildlife Service mandates, policy, regulations, or procedures.					
<ul> <li>is an emergency action within the context of 40 CFR 1506.11. Only those actions necessary to control the immediate impacts of the emergency will be taken. Other related actions remain subject to NEPA review.</li> <li>Other supporting documents (list):         <ol> <li>National Environmental Policy Act: Implementing Procedures; Addition to Categorical Exclusions for U.S. Fish and Wildlife Service (516 DM 8) (80 FR 66554; October 29, 2015)</li> </ol> </li> <li>Review of 43 CFR 46.215</li> </ul>						
Signat	ure Approval:					
(1) Original (1)	sen flevell 12/28/15 Politicizableur Haghe 12/28/15 ginator Date (2) WO/RO Environmental Date 12/28/15  Coordinator Herring Chief, DER  12/29/15					
(3) AD	ARD Date (4) Director/Regional Date /					

Check One:

### **Review of 43 CFR 46.215**

# The Action: Injurious Wildlife Species; Listing Salamanders Due to Risk of Salamander Chytrid Fungus

The interim rule to list salamanders as injurious is being promulgated to prevent a fungus (*Batrachochytrium salamandrivorans* or Bsal) that is not yet known to exist in the United States from entering and spreading in the country. The fungus is known to infect and kill certain species of salamanders; the fungus does not infect humans. The listed salamanders are considered injurious because they can be hosts to the Bsal fungus, this fungus is lethal to some U.S. native species, and, if introduced into wild populations, we expect it to cause significant damage to wildlife and the wildlife resources of the United States.

Most of the salamanders being imported are foreign species. The action of adding salamanders to the injurious wildlife list (50 CFR 16.14) results in two prohibitions: 1) importation of the listed species, and 2) transportation of the listed species across State lines. If the fungus does enter the United States, the interstate prohibition on transporting listed salamanders will reduce the likelihood that the fungus will spread across State lines.

Injurious wildlife listings maintain the state of the affected environment into the future. The listing of these 201 species will help prevent damaging impacts to native salamander species posed by the potential introduction, establishment, or spread of the Bsal fungus in the United States.

## **Review of Extraordinary Circumstances**

The Service has reviewed the following extraordinary circumstances and determined that none applies.

(a) Have significant impacts on public health or safety.

The action (listing the species as injurious) is being taken to protect the interests of wildlife and wildlife resources from the introduction, establishment, and spread of the chytrid fungus Bsal into ecosystems of the United States, by maintaining the status quo of the environment. The Service documented the harm that Bsal is expected to have on wildlife and wildlife resources if the fungus enters and spreads in the United States. The Service did not identify any impacts to public health or safety that would occur as a result of listing these species to prevent this fungus from entering and spreading in the United States.

(b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas.

The action is being taken to protect the interests of wildlife and wildlife resources from the introduction, establishment, and spread of the chytrid fungus Bsal into ecosystems of the United

States, thus maintaining the status quo of natural resources and unique geographic characteristics. The Service documented the harm that Bsal is expected to have on wildlife and wildlife resources of the United States if the fungus enters and spreads in the United States. The Service did not identify any impacts that would occur as a result of the listing of these species to prevent the fungus from entering and spreading in the United States to natural resources and unique geographic characteristics, such as: historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas.

(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].

The action is being taken to protect the interests of wildlife and wildlife resources from the introduction, establishment, and spread of the chytrid fungus Bsal into ecosystems of the United States by maintaining the status quo of the environment. The Service did not identify any highly controversial environmental effects or that involve unresolved conflicts concerning alternative uses of available resources that would result from listing these species to prevent the fungus from entering and spreading in the United States.

(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

The action is being taken to protect the interests of wildlife and wildlife resources from the introduction, establishment, and spread of the chytrid fungus Bsal into ecosystems of the United States by maintaining the status quo of the environment. The Service did not identify any highly uncertain and potentially significant environmental effects or that involve unique or unknown environmental risks that would occur from the listing of these species to prevent the fungus from entering and spreading in the United States.

(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

The action is being taken to protect the interests of wildlife and wildlife resources from the introduction, establishment, and spread of the chytrid fungus Bsal into ecosystems of the United States by maintaining the status quo of the environment. It is one of many injurious listings that the Service has promulgated under the authority of the Lacey Act. It does not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

The action is being taken to protect the interests of wildlife and wildlife resources from the introduction, establishment, and spread of the chytrid fungus Bsal into ecosystems of the United States, thus maintaining the status quo of the environment. The Service did not identify any

direct relationship to other actions with individually insignificant but cumulatively significant environmental effects that would occur by listing these species to prevent the fungus from entering and spreading in the United States.

(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.

The listing of these species is being taken to protect the interests of wildlife and wildlife resources from the introduction, establishment, and spread of the chytrid fungus Bsal into ecosystems of the United States, thus maintaining the status quo of the environment. The Service did not identify any significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places.

(h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species or have significant impacts on designated Critical Habitat for these species.

The action is being taken to protect the interests of wildlife and wildlife resources from the introduction, establishment, and spread of the chytrid fungus Bsal into ecosystems of the United States by maintaining the status quo of the environment. By helping to prevent the fungus from entering and spreading in the United States, the listing of these 201 salamander species will not have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species or have significant impacts on designated Critical Habitat for these species.

(i) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

The action is being taken to protect the interests of wildlife and wildlife resources from the introduction, establishment, and spread of the chytrid fungus Bsal into ecosystems of the United States by maintaining the status quo of the environment. The Service has not identified any Federal law, or State, local, or tribal law or requirement imposed for the protection of the environment that will be violated as a result of listing these species to prevent the fungus from entering and spreading in the United States.

(j) Have a disproportionately high and adverse effect on low income or minority populations (EO 12898).

Our injurious wildlife evaluation did not identify any disproportionately high and adverse effect on low income or minority populations (EO 12898) by listing these species to prevent the fungus from entering and spreading in the United States.

(k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007).

We evaluated potential effects of the action on federally recognized Indian tribes and determined that there are no potential effects. This rule affects the importation and interstate movement of 201 salamander species. We are unaware of such movement in these species by tribes. As a result, the listing of these species will not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007).

(1) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112).

The action is being taken to protect the interests of wildlife and wildlife resources from the introduction, establishment, and spread of the chytrid fungus Bsal into ecosystems of the United States by maintaining the status quo of the environment. Listing these 201 species to prevent the Bsal fungus from entering and spreading in the United States will not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112).